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Letter dated 1 October 2012 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith a statement of the delegation of Serbia in exercise of the right of reply to the statement delivered by Bujar Nishani, President of Albania, on 27 September 2012 at the general debate of the sixty-seventh session of the General Assembly (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 8.

(*Signed*) Feodor **Starčević**
Ambassador
Permanent Representative

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Annex to the letter dated 1 October 2012 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

Statement of the delegation of Serbia in exercise of the right of reply to the statement delivered by the President of Albania on 27 September 2012 in the general debate of the General Assembly at its sixty-seventh session

Bujar Nishani, President of the Republic of Albania, delivered his statement in the general debate of the sixty-seventh session of the General Assembly on 27 September 2012.

In his statement he said, inter alia, that the "establishment of the independent State of Kosova five years ago has turned into an important factor of peace and stability in the south-east European region".

According to the most recent report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/603), submitted to the Security Council pursuant to resolution 1244 (1999), there is increased tension on the ground. Acts of vandalism and religious intolerance continue. Threatening letters, signed by a group calling itself the Albanian National Army, demanding that Kosovo Serbs leave, were found in Kosovo Serb villages. It is also very well known that in Kosovo and Metohija there is absolutely no respect for basic human rights and that Serbian and other non-Albanian people live in constant fear for their lives and their property.

Is this a picture of a democratic state and multi-ethnic society? Furthermore, the true sign of peace and stability in the Southern Serbian Province, under the interim United Nations authority, is the constantly decreasing number of individual voluntary returns. One should also be reminded that 230,000 Serbs from Kosovo and Metohija remain forcefully displaced from their ancestral homes.

A more appropriate assessment of the situation than in the words of the President of the Republic of Albania "that the Republic of Kosova reached another level of state consolidation with the ending of the supervised phase of the independence by the international community" could be found in the report of the Secretary-General that "the ultimate success and efficiency of the collective international effort would be better served by a common understanding of the tasks still at hand in order to avoid any premature disengagements".

Peace and stability and democratic and multi-ethnic society could not find a relevant basis in a unilateral act such as the unilaterally declared independence by Kosovo provisional authorities. A lasting, sustainable and mutually acceptable solution for all problems can be reached only through dialogue. The Republic of Serbia is ready to participate constructively in this process. This process is the key element of peace, stability and progress in the south-east European region.

The President of the Republic of Albania also stated that the International Court of Justice "clearly ruled that the independence of Kosova was in conformity with international law". The Court actually only said that since there is no explicit prohibition of declarations of independence in general international law, there is no explicit violation of that law, but did not imply that the unilateral secession is legitimate or that Kosovo became, through it, an independent State. As a matter of fact, the formulation of paragraph 56 of the advisory Opinion makes it clear that the Court did not actually pronounce itself on the merits of the case.